

Appl. No. 09/996,021
Amdt. dated January 6, 2004
Reply to Office Action of October 7, 2003

REMARKS/ARGUMENTS

This Amendment is filed in response to the Office Action mailed on October 7, 2003. At that time, claims 1-27 and 29-38 were pending in this application. In the Office Action, the Examiner allowed claims 25 and 29-33. The Examiner objected to claims 9-12, 19-24, 27, and 35-37 as being dependent on a rejected base claim. However, the Examiner rejected claims 1-8, 13-18, 26, 34, and 38 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,234,517 issued to Miyahara *et al.* (hereinafter "Miyahara").

The Applicant thanks the Examiner for the helpful suggestions provided during a telephonic interview held on December 17, 2003. In that interview, the parties discussed claim 1 and the Miyahara reference. Specifically, the Applicant argued that Miyahara does not anticipate claim 1 because Miyahara's element "9" is weather strip, and as such, this element does not constitute the claimed "second attachment member." The parties also discussed the limitation of claim 1 that states that "the at least one second attachment member may be secured at a plurality of attachment locations." The Examiner stated that this limitation did not distinguish claim 1 over the cited prior art because the phrase "may be secured" was too broad. At the same time, the Examiner also indicated that an amendment that replaced this phrase with more specific language would likely receive favorable consideration.

By this paper, the Applicant has amended claims 1, 14, 26, and 34 to incorporate the suggestions made by the Examiner during the telephonic interview. Accordingly, reconsideration and allowance of the present claims is respectfully requested.

REJECTION OF CLAIMS 1-8, 13-18, 26, 34, AND 38 UNDER 35 U.S.C. §102(e)

As noted above, the Examiner rejected claims 1-8, 13-18, 26, 34, and 38 under 35 U.S.C. §102(e) as being anticipated by Miyahara. *See* Office Action page 2. It is well settled that a claim is anticipated under 35 U.S.C. §102(e) only if "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

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Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *see also* MPEP § 2131.

In the present case, significant elements found in the present claims are not found in Miyahara. Specifically, all of the present claims recite that the airbag module includes at least one “second attachment member.” Again, the Applicant submits that Miyahara’s element “9” does not satisfy this claim element. Miyahara’s element “9” is not an attachment member or any other feature that attaches or connects an airbag module to a vehicle interior. Rather, element “9” is “weather strip 9... [that is] ... mounted to the lower end of the roof rail 4.” Miyahara Col. 2, lines 44-47. Miyahara explicitly teaches that the purpose of this weather strip 9 is to “ensur[e]” that the seal between the lower portion of the roof rail 4 and the vehicle door is “watertight[.]” *Id.*

Furthermore, the present claims have also been amended to recite that the second attachment member is securable (or secured) to one of a plurality of attachment locations. As described above, Miyahara’s weather strip 9 does not constitute the claimed second attachment member. However, even if the weather strip 9 could be interpreted as being a second attachment member, Miyahara still does not satisfy this limitation because there is no disclosure in Miyahara that teaches that this weather strip 9 is securable (or secured) at one of a plurality of attachment locations.

Thus, because Miyahara fails to teach or disclose all of the elements found in the present claims. Accordingly, Miyahara cannot anticipate these claims under 35 U.S.C. §102(e). Withdrawal of this rejection is respectfully requested.

Moreover, with respect to claim 4, this claim further recites that that the “the second attachment member is *secured to the curtain* below the first attachment members.” (Emphasis added). Again, even if it is assumed that Miyahara’s weather strip 9 constitutes the claimed second attachment member, Miyahara still does not satisfy the limitations of claim 4 because the weather strip 9 is not attached to the airbag 18 (which the Examiner asserts to be the “curtain”).

See e.g., Miyahara, Figure 2A. Rather, Miyahara's system discloses that the weather strip 9 is separated from the airbag 18 by the cover 14/tieback 19. *See id.*

Claims 14-18 further recite that the second attachment member is "secured to an out-board side of the covering." Again, even if it is assumed that Miyahara's weather strip 9 constitutes the claimed second attachment member, Miyahara does not teach that the weather strip 9 is secured to an out-board side of the covering (which is Miyahara's cover 14/tieback 19). In fact, to the extent that Miyahara's weather strip 9 even *contacts* the cover 14/tieback 19 (let alone be *secured* to the cover 14/tieback 19 as required by the claims), such contact occurs on the *in-board* side of the tieback 19 proximate to the tiebacks' lower edge 19b. *See e.g.*, Miyahara Figure 2A.

Additionally, claim 8 recites that the airbag module includes "a plurality of second attachment members" that are "spaced along an out-board side of the covering...." Again, even if it is assumed that Miyahara's weather strip 9 constitutes a second attachment member, this weather strip 9 is only a single unit. There is no teaching or disclosure in Miyahara that there are a "plurality" of weather strips, let alone that a "plurality" of weather strips 9 that are arranged in the manner outlined by claim 9.

With respect to claims 17 and 26, these claims state that the second attachment members are "positioned between the first attachment members and a bottom portion of the covering." Miyahara, on the other hand, shows a system in which the weather strip 9 is the lowermost extremity of the system. *See e.g.*, Miyahara Figure 2A. Accordingly, even if it is assumed that Miyahara's weather strip 9 constitutes the claimed second attachment member, the weather strip 9 is positioned below the cover 14/tieback 19, not *between* a first portion of the module and the cover 14/tieback 19 as required by claims 17 and 26.

Claims 1-8, 13, 34, and 38 recite that the second attachment member operates to secure a second portion of the module to the vehicle interior, the second portion "being between the first portion of the module and a bottom portion of the module." As outlined in the preceding

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paragraph, the weather strip 9 is the lowermost extremity of Miyahara's system. *See e.g.*, Figure 2A. Thus, even if it is assumed that the weather strip 9 constitutes the claimed second attachment member, the Applicant submits that any portion of the module "secured" by the weather strip 9 will be positioned below the bottom portion of the module, not *between* a first portion and a bottom portion as required by claims 1-8, 13, 34, and 38.

Finally, claims 34 and 38 recite that the second attachment member is "secured to the interior of the vehicle by urging the at least one second attachment member against the interior of the vehicle." Again, even if it is assumed that the weather strip 9 constitutes the claimed second attachment member, the Applicant can find no disclosure in Miyahara specifying that the weather strip 9 be attached to the vehicle interior in the manner outlined by claims 34 and 38.

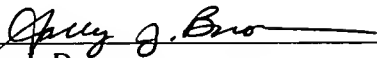
Accordingly, Miyahara does not teach or disclose all of the claim elements found in claims 1-8, 13-18, 26, 34, and 38. As a result, Miyahara does not anticipate these claims under 35 U.S.C. §102(e) and the Applicant respectfully requests that this rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicants submit that claims 1-27 and 29-38 are in a condition for immediate allowance. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

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Respectfully submitted,



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